

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 5-8 and 10-13 are presently active in this case, Claims 5, 7, 10, and 12 having been amended by way of the present Amendment.

Claims 5, 6, 10, and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons (U.S. Patent No. 5,788,076). Claims 7, 8, 12, and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons in view of Doyle (U.K. 2,240,205). For the reasons discussed below, the Applicants request the withdrawal of the obviousness rejections.

The Official Action indicates that the sole distinction between the previous version of the claims and the prior art is printed matter. The claims have been amended to recite the present invention as a computer readable medium including data code for directing a computer to perform various steps. (See, e.g., page 16, lines 15-24, of the specification for support for these amendments.) The claims of the present application recite statutory subject matter (see MPEP 2106 IV.B.2.). Additionally, the Applicants submit that the amendments made to the claims require that the steps recited in the claims be given patentable weight, since the claims contain functional descriptive material that is a limitation in the claim and therefore must be considered and addressed in assessing patentability under 35 U.S.C. 103. (See MPEP 2106 VI.)

As noted in Response to Arguments section on page 3 of the Official Action, the instruction steps recited in the claims "are not shown by the prior art." Accordingly, the


Application Serial No.: 09/927,638  
Reply to Office Action dated December 12, 2003

Applicants respectfully submit that the pending claims are allowable over the prior art.  
Accordingly, the Applicants respectfully request the withdrawal of the obviousness rejections.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Gregory J. Maier  
Registration No. 25,599  
Attorney of Record

Christopher D. Ward  
Registration No. 41,367

Customer Number

**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 10/01)

GJM:CDW:brf

I:\atty\cdw\212412US2 DIV\am2.doc

**BEST AVAILABLE COPY**